

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, :

Plaintiff, :

v. : Case No. 3:09-cr-109

PIERRE COLQUITT, : JUDGE WALTER H. RICE

Defendant. :

DECISION AND ENTRY ADOPTING REPORT AND
RECOMMENDATIONS ON SHOW CAUSE PROFFER (DOC. #172);
OVERRULING DEFENDANT'S OBJECTIONS THERETO (DOC. #176);
FINDING THAT DEFENDANT HAS FAILED TO SHOW CAUSE WHY HE
SHOULD NOT BE SANCTIONED UNDER FED. R. CIV. P. 11;
PROHIBITING DEFENDANT FROM FILING FURTHER MOTIONS FOR
RECONSIDERATION IN THIS CASE; FINING DEFENDANT \$1,000.00;
SAID FINE TO BE SUSPENDED UNLESS DEFENDANT ATTEMPTS TO
FILE AN ADDITIONAL MOTION FOR RECONSIDERATION

Based on the reasoning and citations of authority set forth by United States
Magistrate Judge Michael R. Merz, in his Report and Recommendations on Show
Cause Proffer, Doc. #172, as well as upon a thorough *de novo* review of this
Court's file and the applicable law, the Court ADOPTS said judicial filing in its
entirety.

Defendant's request for additional time to file Objections to that Report and
Recommendations, Doc. #173, was denied. Thereafter, Defendant did file
Objections, Doc. #176, which the Court now OVERRULES. Not only were they

untimely but, in addition, Defendant simply rehashes the same arguments that the Court has rejected on numerous occasions.

Magistrate Judge Merz properly concluded that Defendant has failed to show cause why he should not be sanctioned under Fed. R. Civ. P. 11(c) for continuing to file frivolous motions for reconsideration. Accordingly, the Clerk is DIRECTED not to accept any additional motions for reconsideration from Defendant in the above-captioned case.

Defendant is FINED \$1,000.00 for continuing to file frivolous motions for reconsideration. Said fine shall be SUSPENDED unless Defendant attempts to file another motion for reconsideration, at which time the Court will order said funds to be withdrawn from Defendant's commissary account.

Defendant's remedy, should he disagree with the Court's disposition of this matter, is to file a Notice of Appeal with the Clerk of Court, United States District Court, 200 West Second Street, Room 712, Dayton, Ohio 45402, within fourteen days of the date of this Decision and Entry.

Date: April 18, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE